(3)

Award under section 11 of the Land Acquisition Act, made by Shri S.A.Patil Special Land Acquisition Officer No. 5 Sangli in respect of the Land Acquisition for

Construction of percolation tank

at Village: Biur Taluka Shirala

-.-

No.SPL/LAQ/V-SR-57
Office of the S.L.A.O.No. 5
Sangli: 24-2-84

A W A R D:

1) Title and particulars of Notification and details of Land

Land Acquisition for construction of Percolation Tank at Village Biur Taluka Shirala.

2) Notification under section 4 of the Land Acquisition Act

(A) No and date:	:Special Land Acquisition Officer No.Sangli's No. SPL/LAQ-V SR-57 dated 16-2-82
(B) Date and page of gazette in which Notification was published:	Maharashtra Government Gazette pune Dn Suppliment part I dated 4-3-1982 published at page 756
(a) Corrigendum to the Notification No. and date:	Special Land Acquisition Officer No. 5 Sangli's letter No.SPL/LAQ-V-57 dated: 20-3-82
(b) Date and page of gazette in which corrigendum to Sec. 4 published:	Maharashtra Government gazette Pune Dn Suppliment Part I Dated 20-3-82 published on 8-4-82 at page:

3) Notification u/s 6 of the Land Acquisition Act: 1894:

1) No.and date:	Commissioner Pune Division Pune's ~~xxxxx~~ Notification No.LAQ-RR-714 55/82 dated: 7-6-82
2) Date and page of gazette in which notification was published:	Maharashtra Government Gazette Pune Dn Sppliment Part-I dated 1-7-1982 at page: 1290 to 1291

4) Lands Notified for Acquisition:

Village:	Taluka	District:Sangli
S.No./Ga tNo.	Area of lands required:	Area of lands Abondoned:

PTO

Gat. No.	Area under acquisition H. A.
1690 Part	0-43
1703 "	0-19
1704 "	0-06
1728 "	0-19
1729	0-33
1730 "	0-22
1767 "	0-82
1768	0-02
1769 "	0-17
1770 "	0-22
1771 "	0-45
1772 "	0-04
1773 "	0-01
1774 "	0-01
1779 "	
Total	~~3.23~~ 3.23

5) Reasons for Award:

The chief Executive ~~Engineer~~ Officer Zilla Parishad Sangli ~~Division~~ Sangli who is the acquiring body has under his letter No. ZPS/MID/CB/IV-WS-85-4090 dated 18-8-1981 initiated the proposal to acquire certain lands at Village Biur Taluka Shirala for construction of Percolation-Tank

The Collector of Sangli under his endorsement No. LAQ/SR-1406 dated the 16-9-1981 directed the Special Land Acquisition Officer No. 5. to start the land acquisition proceedding. The purpose of acquisition as stated in the proposal forwarded by the chief Executive ~~Engineer~~ Officer Zilla Parishad Sangli for the purpose of construction of Percolation Tank at Village Biur Taluka Shirala District Sangli which is in the interest of public in general and hence it is a public purpose.

The Commissioner Pune Dn Pune underhis Notification No; LAQ/RR/714/55/82 dt 7-6-82 under section 6 of the Land Acquisition ACT, published the in the Maharashtra Government Gazette Pune Division supplīment Part -I Pune Dn dated the 1st July 1987 on pages 1290 to 1291 declared that, the lands notified in the schedule to the above notification are required for the purpose of Construction of Percolation Tank and appointed the Special Land Acquisition Officer No. 5 Sangli under clause 'C' of section 3 of the Land Acquisition Act, 1894, to perform the functions of a Collector for all the proceedings hereafter to be taken in respect of the said land and also directed the Special Land Acquisition Officer to take order for the acquisition of the said lands under section 7 of the land Acquisition Act.

6) AREA :

The land under acquisition was jointly measured by the representative of the Acquiring body and the survey Department. The result of the Measurement work is mentioned in the joint measurement certificate. The interested persons did not raised any objections to the measurement work so carried out and hence the area shown in the joint measurement certificate is taken as true and final for awardeing compansation for the land.

7) NOTICES AND OWNERSHIP :

Public notices under section 4(i) of the land Acquisition ACt, 1894 were published in the Tahshil office Village Chavadi and on the lands under acquisition. Similarly section 4(1) notices were also served on the interested persons calling on them to give objections to the proposed acquisition. No one out of the interested persons objected to the acquisition and hence the lands were notified under section 6 of the Land Acquisition Act.

Section 9 (1) (2) notices were published in Tahsil office, Village chavadi and on the lands under acquisition. Similarly section 9(3) (4) notices were served on the interested persons calling on them to state their interest in the lands, their claims for compensation and their objections if any to the measurement made under section 8.

8) OWNERSHIP :

The entries in the Record of Right of the lands under acquisition are taken as a base for deciding the ownership and for awarding compensation amount to the interested persons. All lands under acquisition are khalsa lands. Lands such as Inam / Tenancy Devasthan etc. are not under acquisition in this case.

9) T E N U R E :

All the lands ~~except Gat No/S No~~ under acquisition are old tenure (Khalsa) lands.

10) SITUATION AND DECRIPTION:

The lands under section are situated in the Southern-side of the Village at a distance of about, 3 K.Ms from the village gaothan of Biur. They have no N.A. Potentiality and they are some what Medium / Inferior/ ~~Superior~~/ type of Jiraayat land as is seen from the site insection report.

11) CLAIMS:

The statement showing the claims made by the intersted persons who remained present in response to the notices under section 9 of the Land Acquisition Act. is enclosed (Annexure 'A'). The remarks in respect of the claims are recorded in the last column.

~~12) EVIDANCE IN SUPPORT OF CLAIMS~~:

P.T.O.

***"12 EVIDENCE IN SUPPORT OF CLAIMS :**

The interested persons have not adduced any evidence in support of their claims. They have only stated that the compensation may be awarded at present market rate.

13. VALUATION BY ACQUIRING BODY :

The acquiring body has not produced any evidence for valuation or valuation note in respect of the lands under acquisition.

14. PANCH VALUATION:

In the panchanama dated 20-2-83 the Circle Inspector has made the valuation of the lands under acquisition as shown below:

1)	Malpad lands	10,000/-
2)	Inferior Jirayat lands	15000/-
3)	Medium " "	20,000/-
4)	Superior " "	25,000/-
5)	Bagayat lands "	~~15000~~/- 45,000/-

The valuation is made according to the estimation of the panchas. The Circle inspector has not divided the lands in various groups on the basis of their soil classification and fertility of the land. Moreover it is an estimation and not correct valuation. The panchas have not produced any oral or documentary evidence in support of their estimation or the land valuation. The panchanama made by the Circle Inspector will not be useful for fixing the proper valuation, of the lands under acquisition. I, therefore, discard the panchanama.

15. PREPARATION OF SALES PLAN :

The map showing the sale transactions that took place in the vicinity of the land under acquisition is prepared and kept on record.

16: OTHER INSTANCE OF SALES:

A statement showing the instances of sales proceedings five year prior to the publication of notification under section 4 is enclosed(Annexture-B) The following factors have been taken into consideration for fixing compensation of the acquiredg land.

1) The sale of lands if any from the very land under acquisition in the recent part.

2) The sale of lands adjoing the land under acquisition.

3) The sale of lands in the nieghbourhood of the land under acquisition in the recent part.

The notification under section 4 of the land Acquisition Act, 1894 was published in the Maharashtra Government Gazette Pune Dn suppliment part I dated 4-3-1982 for the land acquisition.

17) V A L U A T I O N :

The material date for valuing the lands under acquisition is the date of publication of the notitication under section 4 of the Land Acquisition Act. In this ~~xxxx~~ case notification under section 4 was published in the Maharashtra Government Gazette on 4-3-1982 and therefore, this date is the material date for valuing the lands under acquisition.

There are in all 17 sale instances ~~xxx~~ for last five years from 29-8-78 in the vicinity of the lands under acquisition are available for discussion. They are tabulated in statement 'B'

~~The lands in Hirola Taluka~~

~~are~~ predominantly of ~~medium~~, It was observed in the site inspection, the lands under acquisition are of inferior, medium, and superior type of Jirayat lands, It was further observed that the lands in the bed of Tank are of good ~~better~~ quality paddy lands. ~~Im~~ Most of the lands under acquisition are produce jirayat crops like Jawar Ground-nut, Nachana, etc. In the lands which have well irrigation, facilities, crops like paddy - chillies, ground nut, etc can be produced. The lands on the border of the percolation Tank are of inferior quality jirayat and ~~[illegible]~~ lands Mairan; the lands are purely agriculture and there are no non-agricultural lands, and there are no non-agricultural activities, and the lands under acquisition will have to be valued, as agricultural lands only. Hence, taking into consideration

P.T.O.

The assessment of the lands, under acquisition, their ~~fertility~~ fertility and actual use, the lands are classified, as detailed below: The per hectare assessment, statement, appended to this award may also be seen for this purpose.

Sr. No	Assessment Range of the lands under acquisition:	Class of lands		Remarks
		Jiroyat	Bagayat	
1.	0.01 to 1.25	I,	I,	No Bagayat lands only Jiroyat lands are, under acquisition
2.	1-26 to 2.50	II	II,	— do —
3.	2.51 to 3.75	III	III	— do —
4	3.76 to 5-00	IV	IV	— do —
5.	5-01 to 7.50	V	V	No Bagayat and Jiroyat lands, under acquisition
6.	7.50 to 10-00	VI	VI	Only Bagayat ~~lands~~ is under acquisition.
7	10-01 to 12-50	VII	VII	Only Jiroyat lands are under acquisition
8	12.51 to 15-00	VIII	VIII.	— do —

Jirayat Class I : The lands having assessment from 0·01 to 1·25.

For determining the value of the lands, in the class, sale at Sr. No 1, 2 16 in the statement 'B' are available for consideration. This sales are treated as suppressed, because they have fetched at Rs. 9375 PH on 29-8-78, and at Rs- 33,333/- PH. on 18-1-83 respectively, which is very high: Hence on the bases of genuine sale at Sr. No 11, and taken into considered for Class II Jirayat lands, the fair market value, is fixed, at R: 11,000/- P.H.

Jirayat Class II: The lands having assessment from 1-26 to 2.50.

The sale at Sr. No 11, 14, are available for discussion: Sale at Sr. no 11 is genuine, as the land involved in this sale is assessed at Rs. 1.33 P.H and it has fetched value at Rs. 10,000/- PH on 15-2-81. The material date is, 4-3-1982 Hence by allowing Rs 2000 more in the values the fair market value is fixed at Rs- 12,000/-. PH, for Jirayat Class II lands.

"sale at Sr. no 14 is treated as suppressed sale; hence this is discarded.

<u>Jirayat Class. III: The lands having assessment of Rs: 2.51 to 3.75:</u>

The sales at Sr. no. 5, 6, 8, 9, 13, 17 are available for consideration, the sale at Sr. no, 5, 8, & 9 ~~588~~, fetched very low value, on the contrary at value fetched in the sales at Sr. no. 13, 17 are very high. The value fetched in the sale, at Sr. no-6 ~~56~~ is seems some-what reasonable. However, the land involved in this sale is not a Jirayat land but a tary type of land. Hence this sale also cannot be taken into consideration for valuing the lands under acquisition. I, have offered compensation for Jirayat class II lands, at Rs: 12,000/- P.H. The class III Jirayat lands are superior than Jirayat class II lands. I therefore offer valuation of Class III ~~lands~~ Jirayat lands at Rs: 13,000/- P.H.

Jirayat Class. IV : The lands (98)

having assessment of Rs. 3.76 to 5.00

The sale dts. no. 12, 7, are available for consideration. The value fetched in the sale at S. No 7, is 50,000/- and the value fetched for the lands involved in the sale at Sr. 12, is, 10,526 PH, though the quality of land is the same; is the same. Both the sales are taken place during the year 1981. The above sales are therefore treated as suppressed sales, and they have been discarded. The Class IV Jirayat lands are more superior than Class III Jirayat lands. I therefore offer rate at Rs. 14.000/- P.H. for Jirayat Class IV lands:

Jirayat Class. V. The lands

having assessment of Rs: 5-01 to 7-50

There are no Jirayat lands of this category ~~are~~ under acquisition. ~~[illegible]~~ Question of fixing value does not arise.

Jirayat Clas VI ;- The lands having assessment at Rs: 7-51 to 10-00.

No such lands are under acquisition Question of fixing ~~valuation~~ value does not arise.

Jirayat Clas. VII : The lands having assessment at Rs: 10-01 to 12-50.

The sale ctr. no. 15, is available for consideration. The lands involved in this sale is a fairy type of land, and it assessed at Rs: ~~12,500/-~~ 11-11 PH. On the contrary, the lands under acquisition are Jirayat lands. This sale is therefore, treated as suppressed and discarded: On the basis of values fixed for Jirayat, ~~lands~~ Class IV lands, I have offer valuation @ Rs. 13000/- P.H. for Jirayat Clas. VII lands; as they are more superior than Clas IV lands.

Jirayat Class VIII : The lands having assessment at Rs: 12-51 to 15.00.

The sale at Sr. No. 10 is
available for consideration. The land
involved in this sale is assessed at
Rs_ 13-66 P.H, but it is a tary type of
land. The lands under acquisition are
Jirayat lands. The value fetched for
this sale is Rs: 16,666/- which seems
~~to be excess~~ reasonable. The date
u/s: 4 is 4-3-82 Hence increase in
rate is however warranted over
and above the rate, fetched in sales ~~fetched in the~~
under sale ~~awarded~~ and also
~~of lands~~. in respect of Class VII
lands. i.e. Rs ~~2834~~ 2334 ~~2500~~/- more awarded
in view of the facts that, the lands
in this class are more superior
to those of the lands mentioned
above, i.e. Class VII. I therefore,
award rate at Rs. 19,000/- P.H.
to the Jirayat Class VIII lands.

Bagayat Class. VI : Only one parcel of ~~Bagayat~~ land under acquisition is of Bagayat Category. There are no sale statistics of Bagayat lands are available for discussion. It is therefore decided to award rate of Bagayat lands, which have been awarded to the L.A proceedings of Marna M.S. Project, ~~which~~ situated at about 10 K.M. from this P.T. L.A. Case of Bagayats ~~from the lands acquired~~ ~~for~~ In Marna M.S. Project, Rate @ Rs: 20,000/- P.H. has been awarded to the Bagayat lands which assessed at Rs: 7-50 to 10-00. The lands under acquisition in this case is assessed at Rs: 8-14 P.H. So, I, consider that, the fair market rate of Bagayat lands, which assessed at Rs: 8-14, would be Rs: 20,000/- P.H. for the lands under acquisition, order the compensation should awarded at ~~the~~ above rate.

The compensation at the below mentioned rates should, therefore, be paid to the interested persons.

Range of Asstt	CLASS OF LAND	RATE AWARDED PER HECTARE Jirayat	Bagayat
0-01 to 1-25	I	Rs. 11,000/-	00-00
1-26 to 2-50	II	" 12,000/-	—
2-51 to 3-75	III	" 13,000/-	—
3-76 to 5-00	IV	" 14,000/-	—
5-01 to 7-50	V	00-00	—
7-51 to 10-00	VI	00-00	20,000/-
10-01 to 12-50	VII	17,000/-	—
12-51 to 15-00.	VIII.	19,000/-	—

~~As regards pot kharab area compensation~~ There is no pot-kharab area under acquisition. Question ~~should be paid at the rate of Rs 80/- peracre i.e. 200/- per hectare.~~ of awarding compensation for Pot-kharab lands does not arise.

~~XXXXXXXXXXXXXXXXX~~ **S T R U C T U R E S**

There are no structures in the lands under acquisition.

19. TREES :

There are no ~~xxxxxxxxxx~~ trees in the lands under acquisition, hence the question of awardeing compensation does not arise.

20) FENSING COMPOUND WALL ETC. :

There is no fescing or compound wall in the lands under acquisition and hence the question of awarding compensation on this aaccout does not arise.

21. DAMAGES ON ACCOUNT OF :

1) Severence
2) Injurious affections.
3) Loss of business good will etc.

P.T.O.

(24)

Fragment has been formed dur to the acquisition of the following land:

S.No./GAT No.	Area of Saverance H. A.
1690	0-02
1767	0-05
1771	0-02
Total	0-09.

The area left after acquisition is such taht the same will not be useful to the Kabjedar for profitable and economical cultivation. The area is less than 0-10 gunthas. It will therefore, be fair to award compensation, to the khatedars of the land. I therefore, order that, 1/10 of the sanctioned market value of the fragment should be awarded to the respective khatedars as severance charges. There is no injurious affections or loss of business good will etc.

22) TALLS AND WALLS : There are no tals in the lands under acquisition. There ~~was~~ is a well, which comes under acquisition. The said well has been jointly inspected by the Jr. Engineer of the acquiring body and C.I. from the office. The Executive Engineer M.I Dim Zilla Parishad Sangli has made the valuation of the well of Rs- 14,115/- which is reasonable. I therefore accept, the rate and order that, the compensation for well at the above rate should be paid to the ~~P.P.~~ respective owners.

~~24) SOLATIUM:~~

28

26

24) S O L A T I U M :

Besides the compensation the statutory solatium at the fifteen percent should be paid to the interested persons for compulsorry nature of acquisition as per section 23(2) of the Land Acquisition Act, 1894.

25) POSSESSION: The possession of the lands under acquisition has not been taken under the provisions of the Land Acquisition Act. However, the possession of the lands has been taken by the A.B on 2.3-1981 by private negotiation. The acquiring body is however advised to pay the rent to the landowners, from the date of taking over possession to the date of payment of final compensation.

26) ENCUMBRANCES: There are following encumbrances on the lands under acquisition.

~~S. Nos~~ / Gat Nos

(a) Society: Nil. ~~S. Nos.~~

(b) Land Development Bank: 1730, 1368,

The compensation should be paid to the land owners only on production of No dues certificate from the L.D. Bank. The names of persons other than owners appears in the other rights, without possession, due to mortgage etc; which if not deleted, the consent of the persons concerned should be obtained before payment. Such Gat. No. are:

27) TENANTS

There are no tenants in the lands under acquisition.

One

28) MEASUREMENT AND PERCENTAGE CHARGES

This is a project of M.I. Division in Sangli Zilla Parishad. Hence, the measurement and Percentage charges are leviable, which have been levied as detailed below.

1)	Measurement charges	Rs	1200-00
2)	Percentage charges.	Rs.	1954-40.
3)	Total		3154-40

29) PAYMENT OF ADVANCE COMPENSATION :

No advance compensation has been paid to the I.Ps. in this case.

30) DETAILS OF VALUATION:

1)	Land value:	Rs	42,440=00
2)	~~Tel~~/wells, ~~trees~~:	Rs	14,115-00
3)	Structures:	Rs	--
4)	Severances	Rs	108-00
5)	Solatium	Rs	8483.25
6)	Interest	Rs	00-00
7)	Advance compensation	Rs	00-00
8)	Total		65,146=25

31: A W A R D

As provided in section 11 of the Land Acquisition Act, 1894, I thereby declare that,

a) The true amount of the lands under acquisition is 3 Hectare 23 Ars.

b) The total amount of compensation payable is Rs (65,146-25.) Rs Sixty five thousand one hundred forty six paise twenty five only

c) The amount is payable to the persons as per paragraph 22, 23 26 and according to the statement 'C' enclosed.

The lands having been finally acquired shall vest in Government free from all encumbrances equities and tenure ~~xxxxxxxx~~ lawfully subsisting in favour of any persons other than Government.

24-2-84

(S.A.Patil)
Special Land Acquisition Officer
No. 5 Sangli.